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Date: MAY 23, 2005

To: EXAMINER MENDEZ, MANUEL A.  
U.S. PATENT AND TRADEMARK OFFICE

Fax #: (703) 872-9306

From: FRANK C. NICHOLAS  
Phone #: (847) 424-2521

Client/Matter No.: 9250/3

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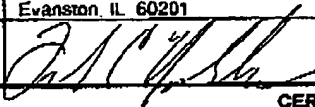
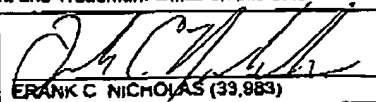
PTO/CB2 (12-97), approved for use through 9/30/03. On 05-1-03, Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE  
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<b>TRANSMITTAL FORM</b>  <i>(to be used for all correspondence after initial filing)</i>	Attorney Docket No	9250/3
	Application Number	10/763,510
	Filing Date	JANUARY 23, 2004
	First Named Inventor	MICHAEL J. DALTON
	Group Art Unit	3763
	Examiner	MENDEZ, MANUEL A

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Response to Office Action Dated February 22, 2005 <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Status Letter  <input type="checkbox"/> Extension of Time Request (duplic)  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement, PTO-1449, art  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/ incomplete Application	<input type="checkbox"/> Assignment Papers (for an Application)  <input type="checkbox"/> Drawings  <input type="checkbox"/> After Allowance Communication to Group  <input type="checkbox"/> Petition Raising Slip (PTO/SB/69) and Accompanying Petition  <input type="checkbox"/> To Convert a Provisional Application  <input type="checkbox"/> Power of Attorney, 37 C.F.R. 1.33 Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Small Entry Statement  <input type="checkbox"/> Request of Refund	<input type="checkbox"/> Appeal Communication to Board of Appeals and interferences  <input type="checkbox"/> Appeal Brief (duplic)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Post Card Receipt  <input type="checkbox"/> Additional Enclosure(s) (please identify below): <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 
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Indep.		Minus			x \$100=	0	x \$200=	
First Presentation of Multiple Dep. Claim					+ \$180=	—	+ \$360=	
					total add'l fee	\$ 0	total add'l fee	\$0

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm or individual name	FRANK C. NICHOLAS Registration No. 33,983 CARDINAL LAW GROUP 1603 Ontonagon Avenue, Suite 2000 Evanston, IL 60201		
Signature		Date	May 23, 2005
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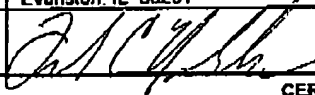
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<b>TRANSMITTAL FORM</b>  <i>(to be used for all correspondence after initial filing)</i>	Attorney Docket No.	9250/3
	Application Number	10/783,510
	Filing Date	JANUARY 23, 2004
	First Named Inventor	MICHAEL J. DALTON
	Group Art Unit	3763
	Examiner	MENDEZ, MANUEL A.

ENCLOSURES (check all that apply)		
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	Claims After Amendment		Highest No. Previously Paid For	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus		x \$25=	0		x \$50=	
Indep		Minus		x \$100=	0		x \$200=	
First Presentation of Multiple Dep. Claim				+ \$180=	—		+ \$380=	
				total add'l fee	\$ 0		total add'l fee	\$0

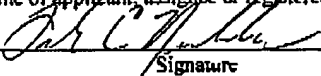
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Name of applicant, assignee or registered representative

  
Signature

May 23, 2005  
Date of Signature

PATENT  
Case No. 9250/3

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re patent application of:

MICHAEL J. DALTON

Serial No.: 10/763,510

Filed: JANUARY 23, 2004

Title: DEVICE FOR SUBCUTANEOUS  
INFUSION OF FLUIDS

Examiner: MENDEZ, MANUEL A.

Group Art Unit: 3763

**RESPONSE TO OFFICE ACTION DATED FEBRUARY 22, 2005**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22202-1450

Dear Sir:

This is a response to a first non-final Office Action dated February 22, 2005. The  
Applicant responds as follows:

May 23, 2005  
Case No.: 9250/3  
Serial No.: 10/763,510  
Filed: January 23, 2004  
Page 2 of 10

### **INTRODUCTORY COMMENTS**

The present amendment replies to an Office Action dated February 22, 2005. Claims 1-14 are currently pending in the present application. Examiner Mendez rejected claims 1-14.

In the Office Action, Examiner Mendez asserted the following actions to the application and pending claims 1-14:

- A. Claim 1 was rejected under 35 U.S.C. 102(e) as being anticipated by Douglas, U.S. Patent No. 6,629,949;
- B. Claim 1 was rejected under 35 U.S.C. 102(e) as being anticipated by Lastovich, et al., U.S. Patent No. 6,808,506; and
- C. Claims 2-14 were rejected under 35 U.S.C. 103(a) as being unpatentable over Whiney et al (U.S. Patent No. 4,235,234), in view of Douglas, Goldowsky (U.S. Patent No. 4,136,692) and Bierman et al. (U.S. Patent No. 6,428,515).

The Applicant requests reconsideration and further examination of the present application under 37 CFR § 1.111.